Subject Matter Index

A	C
Affidavits	Child protective proceedings 74
formal requirements 28	Child support
initiation of proceedings 27	ability to pay 56–59
personal knowledge of facts 28	failure to pay 39, 55–59
service 28	modification of support order 59
waiver of defects 28, 41	right to counsel 56
Anticipatory contempt 11	sanctions 56
Appeals 40	use of contempt power to enforce 54
standard of review 41	Civil contempt
superintending control 41	ability to pay damages 37
waiver of issues 41	attorney for complainant 26
Attorney fees 38	commitment orders 40
Attorney for alleged contemnor 22, 26, 56	conditional incarceration 35
Attorney for complainant 25–26	cumulative punishment 36
civil contempt 26	disobedience of court order 50, 51
domestic relations actions 25	distinguishing from criminal contempt 9–11
nuisance actions 25	elements 19–20
personal protection orders 26	excessive fines 35
Attorneys	failure to pay child or spousal support 59
failure to appear in court 47–48	grand jury witness's refusal to testify 66
misconduct in courtroom 45–46	intent 13
notice to State Bar and Supreme Court of contempt	present violation of court order required 11, 50
citation 40	primary interested party 14
violation of discovery orders 69	purging contempt 15–16
zealous representation of client 45–46	purpose of sanctions 12
	restoration of status quo ante 15
	sanctions 12
	standard of proof 14, 23
Bench warrants 29–30	suspension of fines 35
Binding and gagging criminal defendant 63	violation of parenting time order 61
Bond 30–31	Contempt of court
assignment 31, 39	defined 1
sureties 30	requirements for contempt order 40

Contempt power	Damages, continued
courts of record 5	assignment of bond 39
inherent authority of courts 2–3	attorney fees 38
purposes 1	costs of court proceedings 37
quasi-judicial officers 6	per diem damages 37
statutory provisions 3–5	proving loss or injury 37
Costs of court proceedings 37	Defendant's misconduct in courtroom 62–63
Court orders	binding and gaging defendant 63
failure to obey 50–52	right to be present during trial 62
injunctions 51	Defenses
obedience of incorrect orders 51	reasonable opportunity to prepare 22, 25
reliance on attorney's advice to disobey 51	Deferred proceedings 24
violation by fiduciary 73	disqualification of judge 31
Courts of record 5	Direct contempt 17–18, 22
Criminal contempt	deferred proceedings 24
alternative jail sentence 36	immediate view and presence 17–18
attorney's failure to appear 47–48	judge 31
cumulative punishment 36	prosecution of action 25
disobedience of court order 50, 51	refusal of witness to testify 65
distinguishing from civil contempt 9–11	use of summary proceedings 23–24
double jeopardy 42	• • • • • • • • • • • • • • • • • • • •
Due Process requirements 23, 25	Discovery
elements 18–19	failure to obey order 38–39, 68–69
excessive fines 35	refusal to submit to paternity test 69
failure to abate nuisance 52	Disqualification of judge 31–32
failure to pay child or spousal support 59	publication of comments concerning judge 32
fines 32	Domestic relations proceedings
intent 13–14	bench warrants 30
presumption of innocence 23	orders to show cause 29
primary interested party 14–15	prosecution of action 25
privilege against self-incrimination 23	Double jeopardy 42
prosecution of actions 26	Dougherty, In re Contempt of 10–12
purging contempt 15–16	Due Process requirements 22–23, 25
purpose of sanctions 12	summary proceedings 24
right to jury trial 32	
sanctions 13	E
standard of proof 14, 23	_
violation of parenting time order 61	Evidence, rules of 32
Criticism of court 69–70	
freedom of speech 70	F
needom of speech 70	Г
	False pleadings 67–68
D	indirect contempt 67
Damagas 34 36 38	Fiduciaries
Damages 34, 36–38 ability to pay 37	violation of court orders 73
• • •	Findings and conclusions 40
allegations in affidavit 28	

Fines criminal contempt 32 excessive 13	Jury, continued right to 23, 32 Juveniles 73–76 parent's failure to attend hearing 73 proceedings not under Juvenile Code 75–76
Grand jury witnesses refusal to testify 65–67	M Money judgments
H Habeas corpus, writs of 30	rationale for restriction of enforcement through contempt power 53 use of contempt power to enforce 53–54
1	N
Indirect contempt 18, 22, 24–25 attorney's failure to appear 47 failure to obey subpoena 49 filing false pleadings 67 judge 32 rules of evidence 32 Initiation of proceedings 26–28 judicial notice of court records 27 waiver of irregularities 28, 41 Injunctions 51	Notice charges 22, 25, 28 civil or criminal proceedings 21–22 waiver 28 Nuisance abatement proceedings 52 bench warrants 30 prosecution of action 25 sanctions 39
Injunctions 31	Paranting time
Judge disqualification 31–32 findings and conclusions 40 indirect contempt 32 publication of comments concerning judge 32	Parenting time civil or criminal contempt 61 failure to obey order 39, 60–61 Paternity tests refusal to submit 69 Perjury 67–68 Personal protection orders
Judicial notice initiation of proceedings 27	minor respondents 75 orders to show cause 29
Judicial proceedings interference with 71	prosecution of actions 26 violations 61
Jurisdiction 7 juvenile court orders 75	Privilege against self-incrimination refusal to testify 64
Jurors improper attempts to affect 72 misconduct 49	Prosecution of actions 25–26 criminal contempt 26 domestic relations actions 25
Jury excusing jury before citing for contempt 46, 65	domestic relations actions 25 nuisance actions 25 personal protection orders 26

Purging contempt 15–16 Spousal support, continued modification of support order 59 right to counsel 56 R sanctions 56 Reimbursement orders use of contempt power to enforce 54 Standard of proof 14 failure to obey 74 Restraint in use of contempt power 2 civil contempt 23 criminal contempt 23 Standard of review 41 S Status quo ante Sanctions restoration in civil contempt 15 Subpoena alternative jail sentence 36 failure to obey 38-39, 48-49, 64-65 appropriateness of coercive sanctions 11 attorney fees 38 Summary contempt proceedings 17–18, 22 deferred proceedings 24 civil contempt 34 Due Process requirements 24 commitment orders 40 judge 31 compensatory sanctions 36–38 prosecution of action 25 conditional incarceration 35 refusal of witness to testify 65 costs of court proceedings 37 rules of evidence 32 criminal contempt 35 when appropriate 23–24 cumulative sanctions 36 Superintending control damages 34 review of refusal to enter contempt order 41 distinguishing civil and criminal contempt 9–10 double jeopardy 42 excessive fines 35 W failure of grand jury witness to testify 39 failure to abate nuisance 39 Witnesses failure to obey parenting time order 39 failure of grand jury witness to testify 39 failure to obey subpoena or discovery order 39 failure to obey subpoena 48–49 failure to pay child or spousal support 39, 56 failure to obey subpoena or discovery order 38-39 purpose 12 grand jury witness's refusal to testify 65-67 refusal of witness to testify 65 improper attempts to affect testimony 71–72 repeated refusal to testify before grand jury 66 opportunity to call 22 statutory limitations 5 refusal to answer questions 64-65 suspension of fines 35 sanctions for refusal to testify 65 types 1–2, 12–13 under Revised Judicature Act 33-34 Service of process obstructing 71 Show cause, orders to formal requirements 29 service requirements 29 Spousal support ability to pay 56-59

failure to pay 39, 55–59